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E-filing

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA

16 SAN JOSE DIVISION

17 SOFTVAULT SYSTEMS, INC.

18 Plaintiff,

19 vs.

20 SYBASE, INC.

21 Defendant.

CV 12 1099
CASE NO.

COMPLAINT FOR
INFRINGEMENT OF
U.S. PATENT NOS. 6,249,868
AND 6,594,765

JURY TRIAL DEMANDED

1 Plaintiff SOFTVAULT SYSTEMS, INC. files its Complaint against Defendant
2 SYBASE, INC., alleging as follows:

3 **THE PARTIES**

4 1. Plaintiff SOFTVAULT SYSTEMS, INC. ("SOFTVAULT") is a corporation
5 organized and existing under the laws of the State of Washington with its principle place of
6 business in the State of Washington.

7 2. Upon information and belief, SYBASE, INC. ("DEFENDANT") is a corporation
8 organized and existing under the laws of the State of Delaware, with its principal place of
9 business in Dublin, California. Defendant may be served with process through its registered
10 agent The Prentice-Hall Corporation System, Inc., 2730 Gateway Oaks Drive, Suite 100,
11 Sacramento, CA 95833.

12 **JURISDICTION AND VENUE**

13 3. This is an action for infringement of United States patents. This Court has
14 exclusive jurisdiction of such action under Title 28 U.S.C. § 1338(a).

15 4. Upon information and belief, Sybase is subject to personal jurisdiction by this
16 Court. Sybase has committed such purposeful acts and/or transactions in the State of California
17 that it reasonably knew and/or expected that it could be haled into a California court as a future
18 consequence of such activity. Sybase makes, uses, and/or sells infringing products within the
19 Northern District of California and has a continuing presence and the requisite minimum
20 contacts with the Northern District of California where Defendant resides, such that this venue is
21 a fair and reasonable one. Upon information and belief, Sybase has transacted and, at the time of
22 the filing of this Complaint, is continuing to transact business within the Northern District of
23 California. For all of these reasons, personal jurisdiction exists and venue is proper in this Court
24 under 28 U.S.C. §§ 1391(b)(1), (2) and (c)(2) and 28 U.S.C. § 1400(b).

25 **PATENTS-IN-SUIT**

26 5. On June 19, 2001, United States Patent No. 6,249,868 BI ("the '868 Patent") was
27 duly and legally issued for "METHOD AND SYSTEM FOR EMBEDDED, AUTOMATED,
28 COMPONENT-LEVEL CONTROL OF COMPUTER SYSTEMS AND OTHER COMPLEX

1 SYSTEMS.” A true and correct copy of the ‘868 Patent is attached hereto as Exhibit A and
2 made a part hereof.

3 6. On July 15, 2003, United States Patent No. 6,594,765 B2 (“the ‘765 Patent” was
4 duly and legally issued for “METHOD AND SYSTEM FOR EMBEDDED, AUTOMATED,
5 COMPONENT-LEVEL CONTROL OF COMPUTER SYSTEMS AND OTHER COMPLEX
6 SYSTEMS.” A true and correct copy of the ‘765 Patent is attached hereto as Exhibit B and
7 made a part hereof.

8 7. The ‘868 Patent and the ‘765 Patent are sometimes referred to herein collectively
9 as “the Patents-in-Suit.”

10 8. As it pertains to this lawsuit, the Patents-in-Suit, very generally speaking, relate to
11 a method and system of protecting electronic, mechanical, and electromechanical devices and
12 systems, such as for example a computer system, and their components and software from
13 unauthorized use. Specifically, certain claims of the '868 and '765 Patents disclose the
14 utilization of embedded agents within system components to allow for the enablement or
15 disablement of the system component in which the agent is embedded. The invention disclosed
16 in the Patents-in-Suit discloses a server that communicates with the embedded agent through the
17 use of one or more handshake operations to authorize the embedded agent. When the embedded
18 agent is authorized by the server, it enables the device or component, and when not authorized
19 the embedded agent disables the device or component.

FIRST CLAIM FOR RELIEF

(Patent Infringement)

9. SoftVault repeats and realleges every allegation set forth above.

23 10. SoftVault is the owner of the Patents-in-Suit with the exclusive right to enforce
24 the Patents-in-Suit against infringers, and collect damages for all relevant times, including the
25 right to prosecute this action.

26 11. Upon information and belief, Sybase is liable under 35 U.S.C. §271(a) for direct
27 infringement of the Patents-in-Suit because it manufactures, makes, has made, uses, practices,

1 imports, provides, supplies, distributes, sells, and/or offers for sale products and/or systems that
2 practice one or more claims of the Patents-in-Suit.

3 12. More specifically, Sybase infringes the Patents-in-Suit because it manufactures,
4 makes, has made, uses, practices, imports, provides, supplies, distributes, sells, and/or offers for
5 sale products and systems which prevents unauthorized use of a computer system through the
6 ability to enable or disable the operation of a device's components through an authorization
7 process performed by an embedded agent in the component device and a server. By way of
8 example only, Sybase's "Afaria" system (which includes "Afaria Client" software and an
9 "Afaria Server") has, at a minimum, in the past directly infringed and continues to directly
10 infringe at least Claims 1 and 44 of the '868 Patent, as well as at least Claim 9 of the '765 Patent.

11 13. Sybase's "Afaria" system includes the capability to enable or disable a mobile
12 device, such as a laptop or smart phone, to prevent misuse of the system by "rogue devices"
13 and/or "rogue servers." The "Afaria" system includes the "Afaria Client" that operates on the
14 mobile device and communicates with the "Afaria Server", which is also part of the "Afaria"
15 system through authentication software included in the "Afaria Client." This communication
16 includes a series of message exchanges constituting a handshake operation between the "Afaria
17 Client" and the "Afaria Server." Through these exchanges the "Afaria Server" can authenticate
18 and authorize a device in which the "Afaria Client" is embedded. When the "Afaria Client" is
19 authorized by the "Afaria Server," the mobile device operates normally and when the "Afaria
20 Client" is not authorized, the mobile device is remotely locked and disabled. Similarly, when the
21 "Afaria Server" is recognized by the "Afaria Client", the mobile device will accept
22 communications from the server and when the "Afaria Server" is not recognized, the mobile
23 device will not accept communications.

24 14. Sybase has actual notice of the Patents-in-Suit at least as early as the filing of this
25 Complaint.

26 15. SoftVault has been damaged as a result of Sybase's infringing conduct. Sybase
27 is, thus, liable to SoftVault in an amount that adequately compensates SoftVault for Sybase's
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1 infringement, which, by law, cannot be less than a reasonable royalty, together with interest and
2 costs as fixed by this Court under 35 U.S.C. § 284.

3 **PRAYER FOR RELIEF**

4 SoftVault requests that the Court find in its favor and against Sybase, and that the Court
5 grant SoftVault the following relief:

- 6 a. Judgment that one or more claims of the Patents-in-Suit have been infringed,
either literally and/or under the doctrine of equivalents, by Sybase;
- 7 b. Judgment that Sybase account for and pay to SoftVault all damages to and costs
incurred by SoftVault because of Sybase's infringing activities and other conduct
complained of herein;
- 8 c. That Sybase, its officers, agents, servants and employees, and those persons in
active concert and participation with any of them, be permanently enjoined from
infringement of the Patents-in-Suit. In the alternative, if the Court finds that an
injunction is not warranted, SoftVault requests an award of post judgment royalty
to compensate for future infringement;
- 9 e. That SoftVault be granted pre-judgment and post-judgment interest on the
damages caused to it by reason of Sybase's infringing activities and other conduct
complained of herein;
- 10 f. That this Court declare this an exceptional case and award SoftVault its
reasonable attorney's fees and costs in accordance with 35 U.S.C. § 285; and
- 11 g. That SoftVault be granted such other and further relief as the Court may deem just
and proper under the circumstances.

12 **JURY DEMAND**

13 Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil
14 Procedure.
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